

REMARKS

This amendment is provided in response to the Office Action mailed on August 19, 2009. As a result, claims 1-4, 14, 15, 18-29, and 30-31 are now pending in this application. Of these, claims 18-29 stand as withdrawn and claims 1-4, 14, 15, and 30-31 stand rejected under 35 U.S.C. 103(a). A detailed response, subject to the reservation of rights included herein, follows.

Response to §103 Rejections

Claims 1, 4, 14-15 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney et al. (EP 0848338; hereinafter “Bunney”) in view of Saito Takahiro (JP-06-301577; hereinafter “Saito”). Claims 2, 3 and 13 were rejected similarly over Bunney and Saito in further combination with Drucker (U.S. 6,292,796; hereinafter “Drucker”).

In response, applicant submits respectfully that claim 1-3 have been amended (without prejudice or disclaimer) to more clearly distinguish from the proposed Bunney-Saito and Bunney-Saito-Drucker combination. For example, claims 1-3 now require “means for evaluating content fitness of one or more of the received first documents.” Neither Bunney, nor Saito, nor Drucker appear to provide this feature. Thus, one of skill in the art would not find any combination of these references as providing this feature.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the rejection of claim 1-3.

Claims 4, 30, and 31 also distinguish from the proposed Bunney-Saito combination which forms the basis of their rejection in the Action. Specifically, claim 4 (as amended) requires “means for automatically updating the user- or administrator-defined topical search criteria based on user interaction with the data incorporated into the first database. And, claim 30 (as amended) requires an act of “automatically updating the user- or administrator-defined topical search criteria based on user interaction with the data incorporated into the first database.”

The proposed Bunney-Saito fails meet this requirement. The Action cites three passages in Bunney, specifically pg. 4, lines 20-31; pg. 6, line 1-43; and pg. 7, line 53 – pg. 8, line 3) as meeting this requirement. However, applicant found nothing in any of these passages indicating

user interaction with the incorporated data and updating of any topical search criteria based on the user interaction. At best, the passages appear to indicate that user interaction with a predefined set of links is logged in the form of a date of last access, and that these dates are used to determine the frequency and ordering of how the monitored links are presented to the user. However, the links themselves and the topics they represent are not altered based on this user interaction. Accordingly, applicant submits that the even if permissible the proposed combination does not meet all the specific requirements of these claims, and requests respectfully that the Examiner reconsider and withdraw the 103 rejections of claims 4, 30, and 31.

Claims 14 and 15 have been amended to better distinguish from the proposed Bunney-Saito combination. Specifically, claims 14 and 15 now require “automatically excluding one or more of the collected reply documents based on user- or administrator-defined topical criteria.” (Emphasis added.) At best, even if the proposed combination were permissible, it appears to only report exclusion based on age of the content, not based on topical criteria. See for example, page 8, lines 35-41 to confirm this.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the 103 rejections of claims 14 and 15.

Reservation of Rights

In the interest of clarity and brevity, applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, applicant timely objects to such reliance on Official

Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request joinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. If allowance is not deemed appropriate, applicant requests respectfully that the Examiner call applicant's patent counsel Eduardo Drake at (612) 349-9593 to initiate a telephone interview and thereby facilitate prosecution of this application.


If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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By/


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of February, 2010.

Kathryn Grinnell

Name

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Signature